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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,524	10/08/2003	Leslie S. Marco	13727	9641

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Raymond W. Campbell
TAYLOR & AUST, P.C.
142 S. Main St.
P.O. Box 560
Avilla, IN 46710

EXAMINER

TAWFIK, SAMEH

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/681,524	Applicant(s) MARCO ET AL.	
	Examiner Sameh H. Tawfik	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Broskow (U.S. Patent No. 5,487,465).

Broskow discloses a method of making a container carrier, comprising steps of: providing a handle sheet and a carrier sheet (Fig. 5; via sheets 58 and 60); positioning the handle sheet on at least a portion of the carrier sheet (Fig. 5); connecting the handle sheet and the carrier sheet along a line of attachment (Fig. 5; via along line 62); forming first and second rows of container receiving apertures in the carrier sheet on opposite sides of the line of attachment (Figs. 2 and 3); and forming holes in the handle sheet simultaneously with forming the first row of apertures, the holes and the first row of apertures formed in substantially the same configurations (Fig. 5; via die 64).

Regarding claim 2: the step of connecting performed by creating a substantially continuous weld between said sheets (Fig. 5; via weld line 62).

Regarding claim 3: including connecting the handle sheet with the carrier sheet along first and second spaced lines of attachment (Figs. 2 and 5; via connecting 46 at its both sides with respect to the carrier sheet); and removing a portion of the handle sheet between the first and second spaced lines of attachment (Fig. 5; via by removing portions of handle 46).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broskow (U.S. Patent No. 5,487,465) in view of Marco (U.S. Patent No. 6,415,917).

Brosko discloses the step of forming the first row of apertures between one of the lines of attachment and an edge of the carrier sheet (Fig. 3) and forming holes in the handle sheet simultaneously with forming the row of apertures. Broskow does not disclose the steps of forming the second row of apertures between lines of handle attachment nor forming a third row of apertures in the carrier sheet. However, Marco discloses a similar method of making a container carrier comprising the steps of forming the second row of apertures between lines of handle attachment and forming a third row of apertures in the carrier sheet, see for example (Figs. 1 and 2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Brosko's method of making container carrier by having the steps of forming the second row of apertures between lines of handle attachment and forming a third row of apertures in the carrier sheet, as suggested by Marco, in order to come up with a container carrier that unitizes a plurality of containers into a tight, solid package that is easy to carry by having a pair of secure handles (column 1, lines 37-40).

Regarding claims 7 and 12: Broskow nor Marco disclose the step of forming a merchandising panel. However, the examiner takes an official notice that such a merchandising panel in container carrier is old, well known, and available in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Brosko as modified by Marco, by having the step of forming a merchandising panel, as a matter of engineering design choice, in order to advertise for the products.

Regarding claim 8: Broskow discloses a method of making a container carrier, comprising steps of: providing a handle sheet and a carrier sheet (Fig. 5; via 58 and 60); positioning the handle sheet against the carrier sheet (Fig. 5); connecting the handle sheet and the carrier sheet along spaced first and second lines of attachment (Figs. 2 and 5; via around both sides of 46); removing a strip of the handle sheet between the lines of attachment, leaving a first handle portion outwardly from the first line of attachment and a second handle portion outwardly from the second line of attachment (Fig. 5; via 64); forming a first row of container receiving apertures in the carrier sheet outwardly from the first line of attachment and simultaneously forming holes in the first handle portion similarly shaped to the first row of apertures (Figs. 3 and 5); forming a second row of apertures in the carrier sheet between the first and second lines of attachment (Fig. 3). Broskow does not disclose the step of forming a third row of container receiving apertures in the carrier sheet. However, Marco discloses a similar method of making a container carrier comprising the steps of forming a third row of apertures in the carrier sheet, see for example (Figs. 1 and 2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Brosko's method of making container carrier by having the steps of forming a third row of apertures in the carrier sheet, as suggested by Marco, in order to come up with a container carrier that unitizes a plurality of containers into a tight (column 1, lines 37-40).

Regarding claims 9 and 11: Broskow discloses that the forming steps performed by die cutting (Fig. 5; via die 64).

Regarding claim 10: Broskow disclose that the handle sheet is wider than the carrier sheet (Fig. 5; via the sheets passing die 64; the handle sheet is wider than the carrier sheet).

Regarding claim 13: Broskow discloses the step of providing the handle sheet of material different from the material of the carrier sheet (Fig. 5; via 58 and 60).

Response to Arguments

Applicant's arguments filed 03/20/2006 have been fully considered but they are not persuasive.

Applicants argue in pages 5 and 6 of the filed arguments that Broskow's reference fails to disclose the steps of "providing a handle sheet and a carrier sheet"; Broskow teaches two sheets; however each sheet forms part of the handle and part of the carrier, accordingly, Broskow does not teach a separately handle sheet and a separately identifiable carrier sheet; "forming first and second rows of container receiving apertures in the carrier sheet on opposite sides of the line of attachment"; Broskow teaches forming container receiving apertures in each of two different sheets on the same side of the line of attachment between the sheets; nor the step of "forming

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holes in the handle sheet...in substantially the same configurations”; Broskow teaches separate configurations for the holes in the handle and the apertures in the carrier portion.

The examiner maintains that Broskow teaches the step of “providing a handle sheet and a carrier sheet” as Broskow teaches the use of two separate sheets 58 and 60 with apertures on them, the examiner believes that applicants are arguing of something not disclosed on the claimed language as applicants argue of “Accordingly, Broskow does not teach a separately identifiable handle sheet and a separately identifiable carrier sheet.”; there is no where in the claim applicants referring to the use of separately identifiable handle and carrier sheets. The examiner further maintains that Broskow disclosed the claimed “forming first and second rows of container receiving apertures in the carrier sheet on opposite sides of the line of attachment” as Broskow discloses apertures on both sides of the connecting line 62, regardless to what these apertures used for they all are capable of receiving containers. Applicant’s limitation of “of container receiving apertures” is an indented use and not fully given patentable weight as Broskow’s apertures are capable of receiving containers. The examiner also maintains that Broskow disclosed the claimed “forming holes in the handle sheet...in substantially the same configurations” as applicants use an indefinite word “substantially” that make it broadly considering Broskow discloses the claimed “substantially the same configurations.”.

Applicants further argue in page 8 of the filed arguments that Marco fails to disclose the claimed invention as of failing to disclose the steps of “providing a handle sheet and a carrier sheet”; “forming first and second rows of container receiving apertures in the carrier sheet on opposite sides of a line of attachment”; nor the step of “forming holes in the handle sheet...in

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substantially the same configurations". The examiner as set forth maintains that such claimed limitations were disclosed by Broskow's reference.

Applicants argue that neither Broskow nor Marco teaches forming a carrier in a carrier sheet having two spaced lines of attachment to a handle sheet, with one row of container receiving apertures disposed between the spaced lines of attachment and other rows of container receiving apertures disposed outwardly of each line of attachment. The examiner maintains that Marco discloses two spaced lines of attachment to a handle sheet Fig. 1; via by line 40, with one row of container receiving apertures disposed between, see Fig. 1 via container receiving row disposed between the lines of attachments 40.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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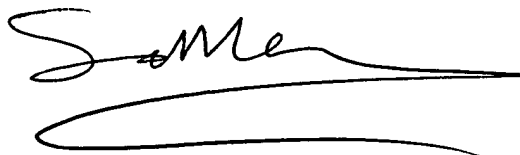
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470.

The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sameh H. Tawfik
Patent Examiner
Art Unit 3721

A handwritten signature in black ink, appearing to read 'Sameh', followed by a long horizontal flourish line.

ST.